

DRIGGS SUBSTITUTE FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2129

I move the following SUBSTITUTE FLOOR amendment to the JUDICIARY Committee amendment to

HOUSE BILL 2129 (Reference to printed bill)

- 1 Page 2, line 13, strike "INTERNET" insert "UNLAWFUL"
- 2 Page 4, line 39, strike "INTERNET" insert "UNLAWFUL"
- 3 Page 5, line 9, strike "Internet" insert "Unlawful"
- 4 Strike lines 10 through 13, insert:
 - 5 "A. A PERSON COMMITS UNLAWFUL AGE MISREPRESENTATION IF THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND KNOWING OR HAVING REASON TO KNOW THAT THE RECIPIENT IS A MINOR, USES AN ELECTRONIC COMMUNICATION DEVICE TO KNOWINGLY MISREPRESENT THE PERSON'S AGE FOR THE PURPOSE OF COMMITTING ANY SEXUAL OFFENSE INVOLVING THE RECIPIENT THAT IS LISTED IN SECTION 13-3821, SUBSECTION A."
 - 11 Line 15, strike "OTHER PERSON" insert "RECIPIENT"
 - 12 Line 19, strike "INTERNET" insert "UNLAWFUL"
 - 13 After line 21, insert:
 - 14 "E. FOR THE PURPOSES OF THIS SECTION "ELECTRONIC COMMUNICATION DEVICE" MEANS ANY ELECTRONIC DEVICE THAT IS CAPABLE OF TRANSMITTING VISUAL DEPICTIONS AND INCLUDES ANY OF THE FOLLOWING:
 - 17 1. A COMPUTER, COMPUTER SYSTEM OR NETWORK AS DEFINED IN SECTION 13-2301.
 - 19 2. A CELLULAR OR WIRELESS TELEPHONE AS DEFINED IN SECTION 13-4801.
 - 20 Sec. 3. Section 13-3821, Arizona Revised Statutes, is amended to read:
 - 21 13-3821. Persons required to register; procedure; identification card; definitions
 - 23 A. A person who has been convicted of a violation or attempted violation of any of the following offenses or who has been convicted of an offense committed in another jurisdiction that if committed in this state

would be a violation or attempted violation of any of the following offenses or an offense that was in effect before September 1, 1978 and that, if committed on or after September 1, 1978, has the same elements of an offense listed in this section or who is required to register by the convicting jurisdiction, within ten days after the conviction or within ten days after entering and remaining in any county of this state, shall register with the sheriff of that county:

1. Unlawful imprisonment pursuant to section 13-1303 if the victim is under eighteen years of age and the unlawful imprisonment was not committed by the child's parent.

2. Kidnapping pursuant to section 13-1304 if the victim is under eighteen years of age and the kidnapping was not committed by the child's parent.

3. Sexual abuse pursuant to section 13-1404 if the victim is under eighteen years of age.

4. Sexual conduct with a minor pursuant to section 13-1405.

5. Sexual assault pursuant to section 13-1406.

6. Sexual assault of a spouse if the offense was committed before August 12, 2005.

7. Molestation of a child pursuant to section 13-1410.

8. Continuous sexual abuse of a child pursuant to section 13-1417.

9. Taking a child for the purpose of prostitution pursuant to section 13-3206.

10. Child prostitution pursuant to section 13-3212.

11. Commercial sexual exploitation of a minor pursuant to section 13-3552.

12. Sexual exploitation of a minor pursuant to section 13-3553.

13. Luring a minor for sexual exploitation pursuant to section 13-3554.

14. Sex trafficking of a minor pursuant to section 13-1307.

15. A second or subsequent violation of indecent exposure to a person under fifteen years of age pursuant to section 13-1402.

1 16. A second or subsequent violation of public sexual indecency to a
2 minor under the age of fifteen years pursuant to section 13-1403,
3 subsection B.

4 17. A third or subsequent violation of indecent exposure pursuant to
5 section 13-1402.

6 18. A third or subsequent violation of public sexual indecency pursuant
7 to section 13-1403.

8 19. A violation of section 13-3822 or 13-3824.

9 **20. UNLAWFUL AGE MISREPRESENTATION.**

10 B. Before the person is released from confinement the state department
11 of corrections in conjunction with the department of public safety and each
12 county sheriff shall complete the registration of any person who was
13 convicted of a violation of any offense listed under subsection A of this
14 section. Within three days after the person's release from confinement, the
15 state department of corrections shall forward the registered person's records
16 to the department of public safety and to the sheriff of the county in which
17 the registered person intends to reside. Registration pursuant to this
18 subsection shall be consistent with subsection E of this section.

19 C. Notwithstanding subsection A of this section, the judge who
20 sentences a defendant for any violation of chapter 14 or 35.1 of this title
21 or for an offense for which there was a finding of sexual motivation pursuant
22 to section 13-118 may require the person who committed the offense to
23 register pursuant to this section.

24 D. The court may require a person who has been adjudicated delinquent
25 for an act that would constitute an offense specified in subsection A or C of
26 this section to register pursuant to this section. Any duty to register
27 under this subsection shall terminate when the person reaches twenty-five
28 years of age.

29 E. A person who has been convicted of or adjudicated delinquent and
30 who is required to register in the convicting state for an act that would
31 constitute an offense specified in subsection A or C of this section and who

1 is not a resident of this state shall be required to register pursuant to
2 this section if the person is either:

3 1. Employed full-time or part-time in this state, with or without
4 compensation, for more than fourteen consecutive days or for an aggregate
5 period of more than thirty days in a calendar year.

6 2. Enrolled as a full-time or part-time student in any school in this
7 state for more than fourteen consecutive days or for an aggregate period of
8 more than thirty days in a calendar year. For the purposes of this
9 paragraph, "school" means an educational institution of any description,
10 public or private, wherever located in this state.

11 F. Any duty to register under subsection D or E of this section for a
12 juvenile adjudication terminates when the person reaches twenty-five years of
13 age.

14 G. The court may order the termination of any duty to register under
15 this section on successful completion of probation if the person was under
16 eighteen years of age when the offense for which the person was convicted was
17 committed.

18 H. The court may order the suspension or termination of any duty to
19 register under this section after a hearing held pursuant to section 13-923.

20 I. At the time of registering, the person shall sign or affix an
21 electronic fingerprint to a statement giving such information as required by
22 the director of the department of public safety, including all names by which
23 the person is known, any required online identifier and the name of any
24 website or internet communication service where the identifier is being used.
25 The sheriff shall fingerprint and photograph the person and within three days
26 thereafter shall send copies of the statement, fingerprints and photographs
27 to the department of public safety and the chief of police, if any, of the
28 place where the person resides. The information that is required by this
29 subsection shall include the physical location of the person's residence and
30 the person's address. If the person has a place of residence that is
31 different from the person's address, the person shall provide the person's
32 address, the physical location of the person's residence and the name of the

1 owner of the residence if the residence is privately owned and not offered
2 for rent or lease. If the person receives mail at a post office box, the
3 person shall provide the location and number of the post office box. If the
4 person does not have an address or a permanent place of residence, the person
5 shall provide a description and physical location of any temporary residence
6 and shall register as a transient not less than every ninety days with the
7 sheriff in whose jurisdiction the transient is physically present.

8 J. On the person's initial registration and every year after the
9 person's initial registration, the person shall confirm any required online
10 identifier and the name of any website or internet communication service
11 where the identifier is being used.— AND the person shall obtain a new
12 nonoperating identification license or a driver license from the motor
13 vehicle division in the department of transportation and shall carry a valid
14 nonoperating identification license or a driver license. Notwithstanding
15 sections 28-3165 and 28-3171, the license is valid for one year from the date
16 of issuance, and the person shall submit to the department of transportation
17 proof of the person's address and place of residence. The motor vehicle
18 division shall annually update the person's address and photograph and shall
19 make a copy of the photograph available to the department of public safety or
20 to any law enforcement agency. The motor vehicle division shall provide to
21 the department of public safety daily address updates for persons required to
22 register pursuant to this section.

23 K. Except as provided in subsection E or K— L of this section, the
24 clerk of the superior court in the county in which a person has been
25 convicted of a violation of any offense listed under subsection A of this
26 section or has been ordered to register pursuant to subsection C or D of this
27 section shall notify the sheriff in that county of the conviction within ten
28 days after entry of the judgment.

29 L. Within ten days after entry of judgment, a court not of record
30 shall notify the arresting law enforcement agency of an offender's conviction
31 of a violation of section 13-1402. Within ten days after receiving this
32 information, the law enforcement agency shall determine if the offender is

1 required to register pursuant to this section. If the law enforcement agency
2 determines that the offender is required to register, the law enforcement
3 agency shall provide the information required by section 13-3825 to the
4 department of public safety and shall make community notification as required
5 by law.

6 M. A person who is required to register pursuant to this section
7 because of a conviction for the unlawful imprisonment of a minor or the
8 kidnapping of a minor is required to register, absent additional or
9 subsequent convictions, for a period of ten years from the date that the
10 person is released from prison, jail, probation, community supervision or
11 parole and the person has fulfilled all restitution obligations.
12 Notwithstanding this subsection, a person who has a prior conviction for an
13 offense for which registration is required pursuant to this section is
14 required to register for life.

15 N. A person who is required to register pursuant to this section and
16 who is a student at a public or private institution of postsecondary
17 education or who is employed, with or without compensation, at a public or
18 private institution of postsecondary education or who carries on a vocation
19 at a public or private institution of postsecondary education shall notify
20 the county sheriff having jurisdiction of the institution of postsecondary
21 education. The person required to register pursuant to this section shall
22 also notify the sheriff of each change in enrollment or employment status at
23 the institution.

24 O. At the time of registering, the sheriff shall secure a sufficient
25 sample of blood or other bodily substances for deoxyribonucleic acid testing
26 and extraction from a person who has been convicted of an offense committed
27 in another jurisdiction that if committed in this state would be a violation
28 or attempted violation of any of the offenses listed in subsection A of this
29 section or an offense that was in effect before September 1, 1978 and that,
30 if committed on or after September 1, 1978, has the same elements of an
31 offense listed in subsection A of this section or who is required to register

1 by the convicting jurisdiction. The sheriff shall transmit the sample to the
2 department of public safety.

3 P. Any person required to register under subsection A of this section
4 shall register ~~their~~ THE PERSON'S required online identifier and the name of
5 any website or internet communication service where the identifier is being
6 used or intends to use the identifier with the sheriff from and after
7 December 31, 2007, regardless of whether the person was required to register
8 an identifier at the time of ~~their~~ THE PERSON'S initial registration under
9 this section.

10 Q. For the purposes of this section:

11 1. "Address" means the location at which the person receives mail.

12 2. "Required online identifier" means any electronic e-mail address
13 information or instant message, chat, social networking or other similar
14 internet communication name, but does not include A social security number,
15 date of birth,— or pin number.

16 3. "Residence" means the person's dwelling place, whether permanent or
17 temporary."

18 Amend title to conform

ADAM DRIGGS

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2/18/08

1:20 PM

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